

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN ASSEMBLY MAY 10, 2006

AMENDED IN ASSEMBLY MAY 2, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

AMENDED IN ASSEMBLY MARCH 28, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2745

Introduced by Assembly Member Jones

February 24, 2006

An act to ~~amend Section 1262.5 of~~ *add Sections 1262.3 and 1262.4* to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2745, as amended, Jones. Hospitals: discharge plans: homeless patients.

Existing law provides for the licensure and regulation of health facilities by the State Department of Health Services. A violation of these provisions is a crime. Existing law requires each hospital to have in effect a written discharge planning policy and process that requires appropriate arrangements for posthospital care and a process that requires that each patient be informed, orally or in writing, of the continuing care requirements following discharge from the hospital, as specified.

This bill would require each hospital to designate one or more representatives from the leadership of the hospital to organize and participate in regional planning meetings to improve the posthospital

transition of homeless patients, as specified. The bill would require each hospital to invite the county board of supervisors, law enforcement, and others to participate. The bill would require, by January 1, 2008, the development of a specified document based upon the regional planning meetings.

The bill would also prohibit a hospital from causing the transfer of homeless patients from one county to another county for the purpose of receiving supportive services from a social service agency, health care service provider, or nonprofit social service provider within the other county, without prior notification to, and authorization from, the social service agency, health care service provider, or nonprofit social service provider.

By creating a new crime, this bill would result in a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~This bill would require that each hospital develop, within the discharge planning policy and process, a protocol specific to the needs of homeless patients, as defined, containing specified information. The bill would prohibit the protocol from permitting the relocation of homeless individuals, for the purpose of receiving support services, from one county to another county's social service agency, county health care service provider, or nonprofit social service provider without prior written notification to the recipient county agency, health care service provider, or nonprofit social service provider. The bill would require that the hospital provide the protocol to the county board of supervisors in the county where the hospital is located, and would require the county board of supervisors to review the protocol. The bill would authorize the hospitals in the county, to the extent that there are multiple hospitals in a county, to jointly develop a protocol for review by the board of supervisors of that county. The bill would require that a hospital or group of hospitals that jointly develops a protocol resubmit the protocol for review not less than once every 5 years.~~

~~By imposing duties upon county boards of supervisors and by creating a new crime, this bill would result in a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1262.3 is added to the Health and Safety
2 Code, to read:
3 1262.3. (a) Each hospital, as defined in subdivisions (a), (b),
4 and (f) of Section 1250, shall designate one or more
5 representatives from the leadership of the hospital, which may
6 include an executive director or the board of trustees, to organize
7 and participate in regional planning meetings to improve the
8 posthospital transition of homeless patients.
9 (b) Topics of discussion within the regional meetings shall
10 include, but not be limited to, the identification of
11 community-based best practices for the posthospital transition of
12 homeless patients, methods to establish and support effective
13 communications between hospitals and stakeholders regarding
14 this transition, and the identification of the resources, including
15 supportive services, that are available or needed or both to assist
16 with this transition.
17 (c) Each hospital shall invite key stakeholders within the
18 region to participate in the regional planning meetings and
19 provide relevant information for the topics under discussion. Key
20 stakeholders shall include, but are not limited to, the county
21 board of supervisors, law enforcement, county social services
22 agencies, county health care service providers, continuum of

1 care coordinators, as defined by the federal Department of
2 Housing and Urban Development, and nonprofit social service
3 providers.

4 (d) By January 1, 2008, each hospital shall develop a
5 document that is a compilation of recommendations based upon
6 the regional planning meetings. The document shall be made
7 available to the public and key stakeholders within a region.

8 (e) The requirements of this section shall not be construed to
9 limit any other efforts of hospitals and key stakeholders to
10 improve the transition of homeless patients.

11 (f) For purposes of this section, "homeless patient" means an
12 individual who lacks a fixed and regular nighttime residence, or
13 who has a primary nighttime residence that is a supervised
14 publicly or privately operated shelter designed to provide
15 temporary living accommodations, or who is residing in a public
16 or private place that was not designed to provide temporary
17 living accommodations or to be used as a sleeping
18 accommodation for human beings.

19 (g) For purposes of this section, "region" shall be defined by
20 the department.

21 SEC. 2. Section 1262.4 is added to the Health and Safety
22 Code, to read:

23 1262.4. (a) No hospital, as defined in subdivisions (a), (b),
24 and (f) of Section 1250, may cause the transfer of homeless
25 patients from one county to another county for the purpose of
26 receiving supportive services from a social service agency,
27 health care service provider, or nonprofit social service provider
28 within the other county, without prior notification to, and
29 authorization from, the social service agency, health care service
30 provider, or nonprofit social service provider.

31 (b) For purposes of this section, "homeless patient" means
32 an individual who lacks a fixed and regular nighttime residence,
33 or who has a primary nighttime residence that is a supervised
34 publicly or privately operated shelter designed to provide
35 temporary living accommodations, or who is residing in a public
36 or private place that was not designed to provide temporary
37 living accommodations or to be used as a sleeping
38 accommodation for human beings.

39 SEC. 3. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 *the only costs that may be incurred by a local agency or school*
2 *district will be incurred because this act creates a new crime or*
3 *infraction, eliminates a crime or infraction, or changes the*
4 *penalty for a crime or infraction, within the meaning of Section*
5 *17556 of the Government Code, or changes the definition of a*
6 *crime within the meaning of Section 6 of Article XIII B of the*
7 *California Constitution.*

8 SECTION 1. ~~Section 1262.5 of the Health and Safety Code is~~
9 ~~amended to read:~~

10 ~~1262.5. (a) Each hospital shall have a written discharge~~
11 ~~planning policy and process.~~

12 ~~(b) (1) The policy required by subdivision (a) shall require~~
13 ~~that appropriate arrangements for posthospital care, including,~~
14 ~~but not limited to, care at home, in a skilled nursing or~~
15 ~~intermediate care facility, or from a hospice, are made prior to~~
16 ~~discharge for those patients who are likely to suffer adverse~~
17 ~~health consequences upon discharge if there is no adequate~~
18 ~~discharge planning. If the hospital determines that the patient and~~
19 ~~family members or interested persons need to be counseled to~~
20 ~~prepare them for posthospital care, the hospital shall provide for~~
21 ~~that counseling.~~

22 ~~(2) (A) Each hospital shall develop a protocol specific to the~~
23 ~~needs of homeless patients, which shall be included in the policy~~
24 ~~required by subdivision (a).~~

25 ~~(B) This protocol shall, include, but not be limited to, the~~
26 ~~collection of patient information including the age, ethnicity,~~
27 ~~principal language spoken, disability, number of previous~~
28 ~~hospital admissions in the past 12 months, and length of stay.~~
29 ~~The collection of that information shall be in accordance with~~
30 ~~applicable laws and regulations governing patient confidentiality.~~

31 ~~(C) The protocol shall not permit the relocation of homeless~~
32 ~~individuals, for the purpose of receiving supportive services,~~
33 ~~from one county to another county's social service agency,~~
34 ~~county health care service provider, or nonprofit social service~~
35 ~~provider, without written prior notification to the recipient county~~
36 ~~social service agency, county health care service provider, or~~
37 ~~nonprofit social service provider.~~

38 ~~(D) The hospital shall provide the protocol to the county board~~
39 ~~of supervisors in the county where the hospital is located, and the~~
40 ~~county board of supervisors shall review the protocol. To the~~

1 extent that there are multiple hospitals in a county, the hospitals
2 in the county may jointly develop a protocol for review by the
3 board of supervisors of that county. A hospital or group of
4 hospitals that jointly develops a protocol shall resubmit the
5 protocol for review no less than once every five years.

6 (E) For purposes of this section, “homeless patient” means an
7 individual who lacks a fixed and regular nighttime residence, or
8 has a primary nighttime residence that is a supervised publicly or
9 privately operated shelter designed to provide temporary living
10 accommodations, or who is residing in a public or private place
11 not designed to provide temporary living accommodations or
12 ordinarily used as a sleeping accommodation for human beings.

13 (e) The process required by subdivision (a) shall require that
14 the patient be informed, orally or in writing, of the continuing
15 health care requirements following discharge from the hospital.
16 The right to information regarding continuing health care
17 requirements following discharge shall apply to the person who
18 has legal responsibility to make decisions regarding medical care
19 on behalf of the patient, if the patient is unable to make those
20 decisions for himself or herself. In addition, a patient may
21 request that friends or family members be given this information,
22 even if the patient is able to make his or her own decisions
23 regarding medical care.

24 (d) (1) A transfer summary shall accompany the patient upon
25 transfer to a skilled nursing or intermediate care facility or to the
26 distinct part-skilled nursing or intermediate care service unit of
27 the hospital. The transfer summary shall include essential
28 information relative to the patient’s diagnosis, hospital course,
29 pain treatment and management, medications, treatments, dietary
30 requirement, rehabilitation potential, known allergies, and
31 treatment plan, and shall be signed by the physician.

32 (2) A copy of the transfer summary shall be given to the
33 patient and the patient’s legal representative, if any, prior to
34 transfer to a skilled nursing or intermediate care facility.

35 (e) A hospital shall establish and implement a written policy to
36 ensure that each patient receives, at the time of discharge,
37 information regarding each medication dispensed, pursuant to
38 Section 4074 of the Business and Professions Code.

39 (f) A contract between a general acute care hospital and a
40 health care service plan that is issued, amended, renewed, or

1 ~~delivered on or after January 1, 2002, may not contain a~~
2 ~~provision that prohibits or restricts any health care facility's~~
3 ~~compliance with the requirements of this section.~~

4 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
5 ~~Section 6 of Article XIII B of the California Constitution for~~
6 ~~certain costs that may be incurred by a local agency or school~~
7 ~~district because, in that regard, this act creates a new crime or~~
8 ~~infraction, eliminates a crime or infraction, or changes the~~
9 ~~penalty for a crime or infraction, within the meaning of Section~~
10 ~~17556 of the Government Code, or changes the definition of a~~
11 ~~crime within the meaning of Section 6 of Article XIII B of the~~
12 ~~California Constitution.~~

13 ~~However, if the Commission on State Mandates determines~~
14 ~~that this act contains other costs mandated by the state,~~
15 ~~reimbursement to local agencies and school districts for those~~
16 ~~costs shall be made pursuant to Part 7 (commencing with Section~~
17 ~~17500) of Division 4 of Title 2 of the Government Code.~~